

REMARKS

Claims 1-12 are pending in this application with claims 1-12 being amended by this response. The claims have been amended for purposes of clarity in accordance with the Examiner's suggestions. Thus, it is respectfully submit that no new matter has been added by these amendments.

Rejection of Claims 2-5 and 7-12 under U.S.C. 112, second paragraph

Claims 2-5 and 7-12 are rejected under 35 U.S.C. 112, second paragraph as being indefinite. Claims 2-5 and 7-12 have been formally amended in accordance with the comments of the Examiner.

In view of the amendments to the claims and the above remarks it is respectfully submitted that this rejection is satisfied and should be withdrawn

Rejection of Claims 1-4, 6-7, 9-10 and 12 under 35 U.S.C. 102 (b)

Claims 1-4, 6, 7, 9-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker (U.S. Patent No. 5,819,688).

The present claimed invention provides a floor mat and a small animal's rearing cage including the floor mat for housing and rearing small animals. The floor mat is a sheet having a temperature holding property to a degree that it can maintain the body temperature of a small animal, flexibility to a degree that it can wrap the body of a small animal, and a size that covers at least the entire abdomen of a small animal. According to the present invention, the small animals can wrap themselves in the mat even without having any nest box or a floor mat for breeding in order to keep their body temperature at a necessary level and to avoid the wind from air conditioning machines.

Walker describes a pet animal odor absorbing mat including a mat or pad formed of a fibrous material, such as a cellulosic material, and which is integrally incorporated with a zeolite mineral during the manufacture of the mat.

Walker further discloses a mat provided with a backing since the mat itself does not have a high amount of structural integrity due to the fact that the fibers and the mineral are only held together with a binder, and in some cases, it may be desirable to provide this backing. The backing will provide some structural integrity and will also allow hinging. For this purpose, the backing may be provided with notches, as best shown in Fig. 3. In place of the notches, score lines or the like could also be used (column 5, line 63 – column 6, line 5).

Unlike the present claimed invention, Walker comprises notches, score lines or the like on the backing to allow for folding of the mat in order to conserve packaging storage and reduce the potential for damage if produced as a single flat sheet (column 6, lines 2-10). The Office Action argues that the pliability of the mat implies flexibility (Office Action, page 4). The Applicant respectfully disagrees. Walker describes a **flat** mat (column 4, lines 37-38) with pliability, but does NOT describe a mat with flexibility to a degree that it can wrap the body of the small animals as in the present claimed invention. The objective of Walker in providing pliability (for packaging and storing) is thus wholly unlike the objective of the present claimed invention in providing flexibility (for wrapping a small animal providing warmth and protection). Thus, Walker neither discloses nor suggests “flexibility to a degree that can wrap the body of said small animals” as recited in claim 1 of the present invention.

Additionally, Walker describes that the mat may be essentially any size (column 4, line 29-34). It is therefore possible that the size of the mat described by Walker may be **less** than the entire abdomen of small animals. Walker neither discloses nor suggests the relationship of size of the mat to accommodate the abdomen of small animals as in the present claimed invention. Thus, Walker shows no recognition of the problems addressed by the present invention and neither discloses nor suggests “a size that covers at least the entire abdomen of said small animals” as recited in claims 1 and 6 of the present invention.

Independent claim 6 contains features similar to claim 1 and is considered to be patentable for the same reasons presented above with respect to independent claim 1. As claims 2-4, 7, 9-10 and 12 are dependent on independent claims 1 and 6 respectively, it is respectfully submitted that claims 2-4, 7, 9-10 and 12 are similarly not anticipated by Walker. Therefore, it is respectfully requested that the rejection of claims 1-4, 6-7, 9-10 and 12 under 35 USC 102(b) be withdrawn.

Rejection of Claims 5, 8 and 11 under 35 U.S.C. 103 (a)

Claims 5, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US Patent 5,819,688). Applicants respectfully submit that Walker neither discloses or suggests the features of the present claimed invention.

Although Walker describes cellulose material formed into a shape of the sheet, Walker only describes a flat mat (column 4, lines 37-38) with pliability as discussed above with respect to claims 1 and 6. Walker is not concerned with nor suggests the objectives of the present invention, namely providing a mat having a flexibility able to wrap the body of small animals. Thus, Walker neither discloses nor suggests a mat with flexibility to a degree that it can wrap the body of said small animals as in the present claimed invention. In view of the completely unrelated objective of Walker and the failure of Walker to recognize the problems addressed by the present claimed invention, it would not be obvious to one skilled in the art at the time of the invention to manufacture a flexible mat because the objective of Walker in providing pliability alone is wholly unlike the objective of the present claimed invention in providing flexibility. Thus, Walker neither discloses nor suggests "flexibility to a degree that can wrap the body of said small animals" as recited in claim 1 of the present invention.

Additionally, Walker describes that the mat may be essentially any size (column 4, line 29-34). However, Walker neither discloses nor suggests a relationship between the size of the mat and the abdomen of small animals as in the present claimed invention. Walker neither recognizes nor is concerned with the objective of covering at least the entire abdomen of small animals as in the present claimed invention. Thus, it would not be obvious to produce a mat of Walker having a size that covers at least the entire abdomen of small animals as the objective of Walker in providing any size sheet is wholly unlike and unrelated to the objectives and reasoning of the present claimed invention. Thus, Walker neither discloses nor suggests "a size that covers at least the entire abdomen of said small animals" as recited in claim 1 of the present invention.

Independent claim 6 contains features similar to claim 1 and is considered to be patentable for the same reasons presented above with respect to independent claim 1. Claims 5, 8 and 11 are dependent on independent claims 1 and 6 respectively, it is respectfully

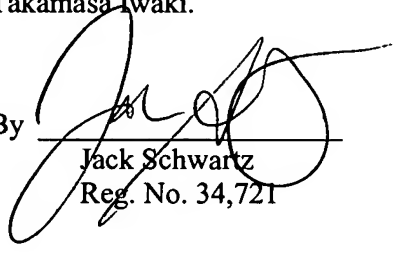
submitted that there is no 35 USC 112 compliant enabling disclosure in Walker of the claimed features. Consequently, it is respectfully requested that the rejection of claims 5, 8 and 11 under 35 USC 103(a) should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 50-2828.

Respectfully submitted,
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By



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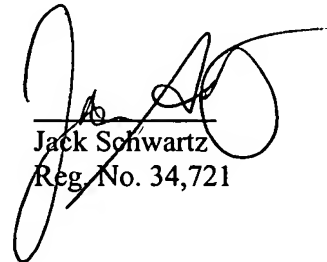


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